MINUTES FOR THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

August 24, 2005

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J. and Patricia Gonzalez, Deputy Clerk.

B175067 Pearson v. Taylor

Argument waived, cause submitted.

B170862 Elliott v. Tandy Corp.

Argument advanced to August 23, 2005.

B177657 Gage v. Network Appliance, Inc.

Argument continued to September 27, 2005.

B1769328 O'Hill Properties v. 9441 Whilshire

Argument continued to October 25, 2005.

Each of the following:

B180415 In Re Mario Rocha on Habeas Corpus B181378 Cardenas v. Noonan

Argument continued to October 26, 2005.

DIVISION ONE (Continued)

B174749 Richard Harker

v.

Delson Investment Company

Merits:

Argued by Gerald M. Serlin for appellant and by Dawn Marie Coulson for respondent. Cause submitted.

B175232 Lion L.P.

v.

Eworldbrands, Inc., et al.

Merits:

Argued by Paul S. Berra for appellant and by Stella A. Havkin for respondents. Cause submitted.

B171593 Bruce Hope

V.

California Youth Authority

Merits:

Argued by Jerald Mosely, Deputy Attorney General for appellant and by Norman Pine for respondent. Cause submitted.

B172638 Philip Coleman et al.

v.

Republic Insurance Company of California et al.

Merits:

Argued by William Rosensweig for appellants and by Barbara J. Mandell for respondents. Cause submitted.

DIVISION ONE (Continued)

B168321 Kent R. Reukema et al.

V.

Allan L. Hawkins et al.

Merits:

Argued by Daryl G. Parker for appellants and by Geoffrey W. Gill for respondents. Cause submitted.

B182943 Joseph Svitak

v.

Superior Court, Los Angeles County

(The People, r.p.i.)

Merits:

Argued by Jerry Kaplan for petitioner and by Tracey Whitney Lopez for real party in interest. Cause submitted.

Court recessed at 11:15 a.m.

Court reconvened at 11:22 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J. and Patricia Gonzalez, Deputy Clerk.

B175025 Krishan Raghavan

v.

Boeing Company Systems, Inc., et al.

Merits:

Argued by Megan L. Wagner for appellant and by Lawrence A. Michaels for respondents. Cause submitted.

Court adjourned at 12:23 p.m.

DIVISION ONE (Continued)

B175653 Elkort et al. (Not for Publication)

v.

Medill

The judgment is affirmed.

Mallano, J., Acting P.J.

I concur: Rothschild, J.

I concur in judgment only: Vogel (Miriam A.), J.

B177073 People (Not for Publication)

v.

Jackson

The judgment is affirmed.

Mallano, J., Acting P.J.

I concur: Rothschild, J.

I concur in judgment only: Vogel (Miriam A.), J.

B179509 People (Not for Publication)

v. Perez

The judgment is affirmed.

Mallano, J., Acting P.J.

I concur: Rothschild, J.

I concur in judgment only: Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B177665 People (Not for Publication)

v.

Chavez

The judgment is affirmed.

Mallano, J., Acting P.J.

I concur: Rothschild, J.

I concur in judgment only: Vogel (Miriam A.), J.

B176514 People (Not for Publication)

v.

Lorenzo F.

Condition of probation No. 15 is modified to provide that the minor not associate with anyone known by him to be disapproved of by his parents or his probation officer. As modified, the order under review is affirmed.

Mallano, J., Acting P.J.

We concur: Vogel (Miriam A.), J.

Rothschild, J.

B183390 Reggie S. (Not for Publication)

v.

Superior Court, Los Angeles County

(Department of Children & Family Services, r.p.i.)

The petition for an extraordinary writ is denied by opinion.

Mallano, J., Acting P.J.

I concur: Rothschild, J.

I concur in judgment only: Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B180482 Los Angeles County, D.C.S. (Not for Publication)

v.

Diana L.

That part of the December 1, 2004 order which fails to respond to the Indian Child Welfare Act issues raised in Mother's November 23, 2004 petition for modification is reversed and the matter is remanded to the juvenile court with directions to establish compliance with the Indian Child Welfare Act. If Manuel V. is determined to be an Indian child under the Indian Child Welfare Act, the juvenile court is to proceed accordingly. In all other respects the December 1, 2004 order is affirmed.

Mallano, J., Acting P.J.

I concur: Rothschild, J.

I concur in judgment only: Vogel (Miriam A.), J.

B180398 Los Angeles County, D.C.S. (Not for Publication)

V.

Anthony C. et al.

The order is affirmed.

Vogel (Miriam A.). J.

We concur: Mallano, J., Acting P.J.

Rothschild, J.

B182235 Los Angeles County, D.C.S. (Not for Publication)

v.

Rhonda F.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, J., Acting P.J.

Rothschild, J.

DIVISION ONE (Continued)

B179406 People (Not for Publication)

v.

Cervantes

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, J., Acting P.J.

Rothschild, J.

B177368 People (Not for Publication)

B178253 v.

Nielsen

The orders are affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, J., Acting P.J.

Rothschild, J.

DIVISION TWO

B175945 People (Not for Publication)

v.

Ransom

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.

Suzukawa, J. (Assigned)

DIVISION TWO (Continued)

B177154 People (Not for Publication)

v.

Pressly

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.

Ashmann-Gerst, J.

B179418 Los Angeles County, D.C.S. (Not for Publication)

V.

Demetra W.

The order under review is affirmed.

Boren, P.J.

We concur: Doi Todd, J.

Ashmann-Gerst, J.

B172541 Mehdizadeh (Not for Publication)

V.

Wexler et al.

The November 3, 2003, order granting respondents' motion to strike is reversed. The December 24, 2003, order awarding respondents' attorney fees and costs is reversed. Mehdizadeh is entitled to recover his costs on appeal from respondents.

Boren, P.J.

We concur: Doi Todd, J.

Suzukawa, J. (Assigned)

DIVISION TWO (Continued)

B178043 Herbert (Not for Publication)

v.

Manning Jr.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.

Suzukawa, J. (Assigned)

B176542 Alonso et al. (Not for Publication)

v.

Sachs et al.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.

Suzukawa, J. (Assigned)

DIVISION THREE

B179327 Lenin Freud Perez-Torres

v.

State of California

Filed order certifying opinion for publication.

DIVISION THREE (Continued)

B161508 Roxana Godinez et al. (Certified for Partial Publication)

v.

Arnold Schwarzenegger, as Governor, etc. et al.

The August 5, 2002 attorney fee order is reversed. The matter is remanded to the trial court to determine the following requirements for an award of attorney fees under the catalyst theory: (1) whether plaintiffs' lawsuit had merit; and (2) whether plaintiffs' made a reasonable attempt to settle the case before filing suit. If the trial court determines that plaintiffs satisfy those requirements of Graham/Tipton, the trial court shall reinstate the award in its entirety. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur: Kitching, J. Aldrich, J.

DIVISION FIVE

B172242 Santa Monica Airport Association (Not for Publication)

v.

City of Santa Monica

On the City's appeal, we reverse the judgment. The Association's appeal is dismissed. The City is to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.

Kriegler, J.

DIVISION SIX

B180160 People (Not for Publication)

v.

Quilter

The order of commitment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.

Perren, J.

B180122 Sutton (Not for Publication)

v.

Wilson

The judgment is affirmed. Appellant to bear costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.

Coffee, J.

DIVISION SEVEN

B176685 People (Not for Publication)

v. Penn

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.

Zelon, J.

DIVISION SEVEN (Continued)

B178493 People (Not for Publication)

v.

Vasquez

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.

Zelon, J.

Each of the following:

B167017	General Casualty Ins. Co. v. W.C.A.B. (California Ins. Guarantee Assn.)
B167540	American Home Assurance v. W.C.A.B. (California Ins. Guarantee Assn.)
B167541	Remedytemp, Inc. v. W.C.A.B. (California Insurance Guarantee Assn.)
B167542	Jacuzzi Incorporated v. W.C.A.B. (California Ins. Guarantee Assn.)

Filed order denying petition for rehearing.

DIVISION EIGHT

B176171 People (Not for Publication)

v.

Callahan

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.

Rubin, J.

DIVISION EIGHT (Continued)

B174357 People

v.

Ihenacho

Filed order modifying opinion. (No change in the judgment)